

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 2:23-cr-20191-MSN
)	
)	
EMMITT MARTIN, III, <i>et al.</i>,)	
)	
Defendants.)	

PROPOSED VERDICT FORM

The United States respectfully submits its proposed verdict form. This government's verdict form is consistent with the form used in other 18 U.S.C. § 242 cases. The parties have not agreed on a form. The United States circulated a draft verdict form on August 11, 2024. Defendant Martin responded with his proposed verdict form on August 16. Defendant Haley responded with his proposed verdict form on August 18. Defendant Smith responded with his proposed verdict form on today's date. Defendant Bean has not yet responded to the United States' proposed verdict form.

Respectfully submitted,

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SPECIAL VERDICT FORM

COUNT 1

(Deprivation of Rights Under Color of Law – Excessive Force and Failure to Intervene)

DEFENDANT EMMITT MARTIN III

We, the jury, unanimously find the defendant, **Emmitt Martin III**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 1** of the Indictment.

INSTRUCTION: If you find defendant Emmitt Martin III guilty as to **Count 1**, then check “yes” or “no” below. If you find defendant Emmitt Martin III not guilty as to Count 1, move to Defendant Tadarrius Bean.

We, the jury, unanimously find that the offense charged in **Count 1** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT TADARRIUS BEAN

We, the jury, unanimously find the defendant, **Tadarrius Bean**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 1** of the Indictment.

INSTRUCTION: If you find defendant Tadarrius Bean guilty as to **Count 1**, then check “yes” or “no” below. If you find defendant Tadarrius Bean not guilty as to Count 1, move to Defendant Demetrius Haley.

We, the jury, unanimously find that the offense charged in **Count 1** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT DEMETRIUS HALEY

We, the jury, unanimously find the defendant, **Demetrius Haley**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 1** of the Indictment.

INSTRUCTION: If you find defendant Demetrius Haley guilty as to **Count 1**, then check “yes” or “no” below. If you find defendant Demetrius Haley not guilty as to Count 1, move to Defendant Justin Smith.

We, the jury, unanimously find that the offense charged in **Count 1** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT JUSTIN SMITH

We, the jury, unanimously find the defendant, **Justin Smith**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 1** of the Indictment.

INSTRUCTION: If you find defendant Justin Smith guilty as to **Count 1**, then check “yes” or “no” below. If you find defendant Justin Smith not guilty as to Count 1, move to Count 2.

We, the jury, unanimously find that the offense charged in **Count 1** resulted in the death of Tyre Nichols:

Yes ____

No ____

COUNT 2

(Deprivation of Rights Under Color of Law – Deliberate Indifference)

DEFENDANT EMMITT MARTIN III

We, the jury, unanimously find the defendant, **Emmitt Martin III**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 2** of the Indictment.

INSTRUCTION: If you find defendant Emmitt Martin III guilty as to **Count 2**, then check “yes” or “no” below. If you find defendant Emmitt Martin III not guilty as to Count 2, move to Defendant Tadarrius Bean.

We, the jury, unanimously find that the offense charged in **Count 2** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT TADARRIUS BEAN

We, the jury, unanimously find the defendant, **Tadarrius Bean**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 2** of the Indictment.

INSTRUCTION: If you find defendant Tadarrius Bean guilty as to **Count 2**, then check “yes” or “no” below. If you find defendant Tadarrius Bean not guilty as to Count 2, move to Defendant Demetrius Haley.

We, the jury, unanimously find that the offense charged in **Count 2** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT DEMETRUS HALEY

We, the jury, unanimously find the defendant, **Demetrius Haley**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 2** of the Indictment.

INSTRUCTION: If you find defendant Demetrius Haley guilty as to **Count 2**, then check “yes” or “no” below. If you find defendant Demetrius Haley not guilty as to Count 2, move to defendant Justin Smith.

We, the jury, unanimously find that the offense charged in **Count 2** resulted in the death of Tyre Nichols:

Yes ____

No ____

DEFENDANT JUSTIN SMITH

We, the jury, unanimously find the defendant, **Justin Smith**,

Guilty ____

Not Guilty ____

of the crime of deprivation of rights under color of law as charged in **Count 2** of the Indictment.

INSTRUCTION: If you find defendant Justin Smith guilty as to **Count 2**, then check “yes” or “no” below. If you find defendant Justin Smith not guilty as to Count 2, move to Count 3.

We, the jury, unanimously find that the offense charged in **Count 2** resulted in the death of Tyre Nichols:

Yes ____

No ____

COUNT 3

(Conspiracy)

DEFENDANT EMMITT MARTIN III

We, the jury, unanimously find the defendant, **Emmitt Martin III**,

Guilty ____

Not Guilty ____

of the crime of conspiracy as charged in **Count 3** of the Indictment.

DEFENDANT TADARRIUS BEAN

We, the jury, unanimously find the defendant, **Tadarrius Bean**,

Guilty ____

Not Guilty ____

of the crime of conspiracy as charged in **Count 3** of the Indictment.

DEFENDANT DEMETRIUS HALEY

We, the jury, unanimously find the defendant, **Demetrius Haley**,

Guilty ____

Not Guilty ____

of the crime of conspiracy as charged in **Count 3** of the Indictment.

DEFENDANT JUSTIN SMITH

We, the jury, unanimously find the defendant, **Justin Smith**,

Guilty ____

Not Guilty ____

of the crime of conspiracy as charged in **Count 3** of the Indictment.

COUNT 4

(Obstruction of Justice)

DEFENDANT EMMITT MARTIN III

We, the jury, unanimously find the defendant, **Emmitt Martin III**,

Guilty ____

Not Guilty ____

of the obstruction of justice as charged in **Count 4** of the Indictment.

DEFENDANT TADARRIUS BEAN

We, the jury, unanimously find the defendant, **Tadarrius Bean**,

Guilty ____

Not Guilty ____

of the obstruction of justice as charged in **Count 4** of the Indictment.

DEFENDANT DEMETRIUS HALEY

We, the jury, unanimously find the defendant, **Demetrius Haley**,

Guilty ____

Not Guilty ____

of the obstruction of justice as charged in **Count 4** of the Indictment.

DEFENDANT JUSTIN SMITH

We, the jury, unanimously find the defendant, **Justin Smith**,

Guilty ____

Not Guilty ____

of the obstruction of justice as charged in **Count 4** of the Indictment.

Foreperson

(Date)